



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

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**STATE WATER CONTROL BOARD  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
DIMITRIOS PATRIANAKOS  
FOR  
DIMITRIOS PATRIANAKOS  
Registration ID No. 3021771**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Dimitrios Patrianakos, for the purpose of resolving certain violations of the State Water Control Law and the applicable regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" means the physical location where the UST and/or UST system is installed and operated, known as D and V Service Center located at 5201 Wilson Boulevard in

Arlington, Virginia. The Facility's UST and/or UST system are owned by Dimitrios Patrianakos, and the Facility is further identified by UST Facility ID# 3021771.

5. "Form 7530-2" means the Notification for Underground Storage Tanks form used by DEQ to register and track USTs for proper operation, closure and ownership, in accordance with 9 VAC 25-580-70.
6. "Dimitrios Patrianakos" is a "person" who owns the Facility.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
8. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
9. "Operator" means any person in control of, or having responsibility for, the daily operation of the UST system as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
10. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
11. "Owner" means any person who owns an UST system used for storage, use, or dispensing of regulated substances as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
12. "Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, any state or agency thereof, municipality, county, town, commission, political subdivision of a state, any interstate body, consortium, joint venture, commercial entity, the government of the United States or any unit or agency thereof.
13. "Regulated Substance" means an element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health or welfare, or the environment, as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
14. "Regulations" means the Underground Storage Tanks: Technical Standards and Corrective Action Requirements, 9 VAC 25-580-10 *et seq.*
15. "Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.
16. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code. Article 9 (Va. Code §§ 62.1-44.34:8 through 62.1-44.34:9) of the State Water Control Law addresses Storage Tanks.

17. "Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
18. "Va. Code" means the Code of Virginia (1950), as amended.
19. "VAC" means the Virginia Administrative Code.
20. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. Dimitrios Patrianakos is the owner of the Facility. Dimitrios Patrianakos stores a regulated substance in the form of gasoline and diesel in USTs at the Facility.
2. On February 24, 2021, Department staff conducted a formal inspection of the USTs at the Facility and conducted a file review of Facility records to evaluate Dimitrios Patrianakos compliance with the requirements of the State Water Control Law and the Regulations. At that time, there were five USTs at the Facility: Tank 1 is 8,000 gallon gasoline UST; Tank 2 is 8,000 gallon gasoline UST; Tank 3 is 8,000 gallon gasoline UST, Tank 4CA is 1,000 gallon diesel UST, and Tank 4CB is 1,000 gallon diesel UST. The USTs are registered under facility identification number 3021771. DEQ staff observed the following:
  - a. Interstitial Monitoring records for Tank(s) 1, 2, 3, 4CA (Tank 5) and 4CB (Tank 4) were not available for inspection and had not been submitted.
  - b. Based on statements made by the facility contact during the inspection and a review of the available records, the overfill prevention device(s) associated with Tank(s) 1, 2, 3, 4CA, 4CB had not been inspected. Documentation of the inspection had not been submitted.
  - c. Based on statements made by the facility contact during the inspection and a review of available records, walkthrough inspections were not conducted every 30 days. Documentation of the inspections had not been submitted.
  - d. The facility contact provided DEQ staff a copy of Tanknology's Testing and Inspection Certificate, dated November 23, 2020, that stated diesel tanks 4CA (Tank 5) and 4CB (Tank 4) had 42 inches of diesel fuel in interstitial space on November 23, 2020. Fluid in the interstitial space, as reported by Tanknology, is considered as a "failed" test result for interstitial

monitoring. The Owner did not report within 24 hours to DEQ the unusual operating condition.

3. On April 14, 2021, a representative of Webb Environmental notified DEQ a leak was found in the primary diesel tank. The Owner has not repaired, replaced, upgrade, or closed the leaking UST.
4. On July 12, 2021, DEQ requested that Dimitrios Patrianakos submit a Form 7530-2 placing the leaking tank into temporary closure. Dimitrios Patrianakos did not submit the Form 7530-2.
5. On December 18, 2021, DEQ staff received the following reports from the Facility contact:
  - a. Interstitial Monitoring Reports for all five (5) tanks for December 15, 2021, showing fuel alarms for diesel interstitial, mid-grade interstitial, and all three gasoline piping sumps;
  - b. Monthly walk through inspection form for December 2021;
  - c. ATG readings for December 15, 2021, showed invalid results for all five (5) tanks; and
  - d. Sensors reading normal for the regular and premium gasoline tanks for December 2021.

The Owner did not report within 24 hours of discovery of the unusual operating condition of the "Fuel Alarm".

6. 9 VAC 25-580-50(6) and -60(5) states that release detection shall be provided in accordance with Part IV (9VAC25-580-130 et seq.) of this chapter.
7. 9 VAC 25-580-130 requires that owners and operators must provide a method, or combination of methods, of release detection that can detect a release from any portion of the tank and the connected underground piping that routinely contains product.
8. 9 VAC 25-580-140 requires that owners and operators of petroleum UST systems must provide release detection for tanks and piping in accordance with the requirements of that section.
9. 9 VAC 25-580-180 requires that UST system owners and operators must maintain records in accordance with 9VAC25-580-120, including results of any sampling, testing, or monitoring, for at least one year, either at the facility and immediately available for inspection or at a readily available alternative site and available for inspection upon request.

10. 9 VAC 25-580-50(3)(d) requires that spill and overfill protection equipment must be periodically tested or inspected in accordance with 9 VAC 25-580-82.
11. 9 VAC 25-580-82(B) requires that owners and operators must begin meeting these requirements as follows: 1. For UST systems in use before January 1, 2018, the initial spill prevention equipment test, containment sump test, and overfill prevention equipment inspection must be conducted not later than January 1, 2021. 2. For UST systems brought into use on or after January 1, 2018, these requirements apply at installation.
12. 9 VAC 25-580-82(C)(1) requires that owners and operators must maintain records as follows in accordance with 9VAC25-580-120 for spill prevention equipment, containment sumps used for interstitial monitoring of piping, and overfill prevention equipment: 1. All records of testing or inspection must be maintained for three years.
13. 9 VAC 25-580-120(2)(d) requires that owners and operators must maintain the following information: d. Documentation of compliance and applicable installation records for spill and overfill prevention equipment and containment sumps used for interstitial monitoring of piping.
14. 9 VAC 25-580-120(3) requires that results must be maintained at the UST site and immediately available for inspection or at a readily available alternative site and be provided for inspection upon request.
15. 9 VAC 25-580-85(A) requires that owners and operators must meet one of the following:
  1. Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below: a. Every 30 days (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery): (1) Spill prevention equipment – visually check for damage; remove liquid or debris; check for and remove obstructions in the fill pipe; check the fill cap to make sure it is securely on the fill pipe; and, for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area; and (2) Release detection equipment – check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present and ensure records of release detection testing are reviewed and current; 2. Conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory that checks equipment comparable to subdivision 1 of this subsection; or 3. Conduct operation and maintenance walkthrough inspections according to a protocol developed by the board that checks equipment comparable to subdivision 1 of this subsection.
16. 9 VAC25-580-120 requires owners and operators must maintain records of operation and maintenance walkthrough inspections for one year.
17. 9 VAC 25-580-190(2) requires that owners and operators must report within 24 hours unusual operating conditions observed such as liquid in the interstitial space.

18. 9 VAC 25-580-210(1)(b) requires that owners and operators that confirm a leak into the interstice or a release must repair, replace, upgrade, or close the UST system.
19. 9 VAC 25-580-70 requires that any change in ownership, tank status, tank/piping systems, or substance stored, the owner must submit an amended notification form, or other documentation approved by the board, within 30 days after such change or upgrade occurs or is brought into use. Owners may provide notice for several tanks using one notification form, but owners with tanks located at more than one place of operation must file a separate notification form for each separate place of operation.
20. 9 VAC 25-580-190(3) requires that owners and operator must report within 24 hours unusual operating conditions observed such as monitoring results, including investigation of an alarm, from a release detection method required under 9VAC 25-580-140 and 9VAC 25-580-150 that indicate a release may have occurred.
21. DEQ staff sent Warning Letter No. TNR0310096 on July 12, 2021, for the violations listed in paragraphs C.2.(a) through C.2(c), above. The Warning Letter requested that Dimitrios Patrianakos respond in writing by October 10, 2021, and included a copy of the inspection report. The Warning Letter requested Dimitrios Patrianakos to submit a Form 7530-2 to place the leaking tank in temporary closure. Dimitrios Patrianakos did not respond.
22. On January 19, 2022, the Department issued Notice of Violation No. TNR0329556 to Dimitrios Patrianakos for violations listed in paragraphs C.2, above.
23. Dimitrios Patrianakos failed to file a response to the NOV.
24. Based on the results of February 24, 2021 inspection, and the documentation submitted on February 24, 2021, April 14, 2021, and December 18, 2021. The Board concludes that Dimitrios Patrianakos has violated: 9 VAC 25-580-50; 9 VAC 25-580-60; 9 VAC 25-580-70; 9 VAC 25-580-82; 9 VAC 25-580-85; 9 VAC 25-580-120; 9 VAC 25-580-130; 9 VAC 25-580-140; 9 VAC 25-580-180; 9 VAC 25-580-190; 9 VAC 25-580-210 as described in paragraphs C(2) through C(20), above.
25. In order for Dimitrios Patrianakos to return to compliance, DEQ staff and Dimitrios Patrianakos have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Dimitrios Patrianakos, and Dimitrios Patrianakos agrees to:

1. Perform the actions described in Appendix A of this Order; and

2. Pay a civil charge of \$26,911 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
July 1, 2022	\$5,000.00 or balance
October 1, 2022	\$5,000.00 or balance
January 1, 2023	\$5,000.00 or balance
April 1, 2023	\$5,000.00 or balance
July 1, 2023	\$5,000.00 or balance
October 1, 2023	\$1,911 or balance

3. If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Dimitrios Patrianakos. Within 15 days of receipt of such letter, Dimitrios Patrianakos shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order.
4. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

5. Dimitrios Patrianakos shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Petroleum Storage Tank Fund (VPSTF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Dimitrios Patrianakos shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of Dimitrios Patrianakos for good cause shown by Dimitrios Patrianakos, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. TNR0329556 dated January 19, 2022 and Warning Letter No.

TNR0310096 dated July 12, 2021. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, Dimitrios Patrianakos admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Dimitrios Patrianakos consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Dimitrios Patrianakos declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Dimitrios Patrianakos to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Dimitrios Patrianakos shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Dimitrios Patrianakos shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Dimitrios Patrianakos shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and



- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and Dimitrios Patrianakos. Nevertheless, Dimitrios Patrianakos agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after Dimitrios Patrianakos has completed all of the requirements of the Order;
  - b. Dimitrios Patrianakos petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Dimitrios Patrianakos.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Dimitrios Patrianakos from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by Dimitrios Patrianakos and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. Any documents to be submitted pursuant to this Order shall be submitted by Dimitrios Patrianakos or an authorized representative of Dimitrios Patrianakos.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
- 15. By its signature below, Dimitrios Patrianakos voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 13<sup>th</sup> day of July, 2022.



Thomas A. Faha, Regional Director  
Department of Environmental Quality

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Consent Order

Dimitrios Patrianakos; Facility ID. No. 3021771

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Dimitrios Patrianakos voluntarily agrees to the issuance of this Order.

Date: 5-6-2022 By: *[Signature]*, owner  
(Person) (Title)

Commonwealth of Virginia

City/County of Fairfax

The foregoing document was signed and acknowledged before me this 6<sup>th</sup> day of

May, 20 22, by Derrick Cardoso

*[Signature]*  
Notary Public

7752252  
Registration No.

My commission expires: 03/31/2025

Notary seal:



## APPENDIX A SCHEDULE OF COMPLIANCE

No.	Name
1.	Not later than (30) thirty days after the effective date of this Consent Order, Dimitrios Patrianakos shall submit to DEQ a completed Notification for Underground Storage Tanks (USTs), Form 7530-2, in accordance with 9 VAC 25-580-70, reflecting the current ownership and status of the USTs.
2.	Not later than (30) thirty days after the effective date of this Consent Order, and continuing for six months Dimitrios Patrianakos shall submit valid, passing ATG monitoring results monthly confirming that the USTs are being monitored in accordance with 9 VAC 25-580-140 and 9 VAC 25-580-160 and that records are maintained in accordance with 9 VAC 25-580-120 and 9 VAC 25-580-180.
3.	Not later than (30) thirty days after the effective date of this Consent Order, Dimitrios Patrianakos shall submit to DEQ test records of spill and overfill prevention testing conducted in accordance with 9 VAC 25-580-82.
4.	Not later than (30) thirty days after the effective date of this Consent Order, and continuing for six months Dimitrios Patrianakos shall complete monthly walkthrough inspections in accordance with 9 VAC 25-580-85 and submit a copy of the inspection report to DEQ within 10 days of the inspection date.
5.	Not later than (60) sixty days after the effective date of this Consent Order, Dimitrios Patrianakos shall submit a Corrective Action Plan in accordance with 9 VAC 25-580-280.

### 1. DEQ Contact

Unless otherwise specified in this Order, Dimitrios Patrianakos shall submit all requirements of Appendix A of this Order to:

Virginia Department of Environmental Quality-NRO  
13901 Crown Court  
Woodbridge, Virginia 22193  
Attn: Enforcement